

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

This Document Relates to:

**IN RE ELECTRONIC BOOKS
ANTITRUST LITIGATION**

**No. 11-md-02293 (DLC)
ECF Case**

Class Action

**THE STATE OF TEXAS, et al.,
Plaintiffs,
v.
PENGUIN GROUP (USA) INC., et al.,
Defendants**

**Civil Action
No. 12-cv-03394**

**PLAINTIFFS' AND APPLE'S JOINT SUBMISSION REGARDING
THE NOTICE AND DISTRIBUTION PLANS
RELATING TO THE PARTIES' SETTLEMENT AGREEMENT**

As set forth in Plaintiffs' Memorandum in Support of Preliminary Approval of the Settlement with Apple Inc. ("Apple"), Counsel for Plaintiff States, Class Plaintiffs and Apple respectfully request that consumer notice of the settlement be deferred until the pending appeal regarding the Court's July 10, 2013 finding of liability against Apple is determined. The parties believe that such deferral will best benefit consumers. However, if the Court determines such notice should be distributed sooner, all parties are prepared to proceed under the terms of the Settlement Agreement, as described in Paragraph 18 of the confidential Memorandum of Understanding submitted to the Court on June 16, 2014. Therefore, pursuant to the Court's July 17, 2014 Order, the parties submit a Notice Plan (attached hereto as Exhibit A) and a

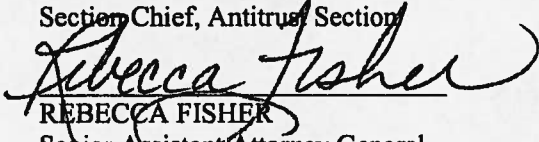
Distribution Plan (attached hereto as Exhibit B), both which assume distribution of notice to consumers immediately following this Court's entry of an order preliminarily approving the settlement.

Dated: July 23, 2014

Respectfully submitted,

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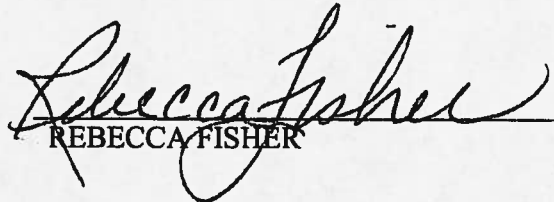
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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2014, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List.


REBECCA FISHER